

## **CAPITAL IMPROVEMENT PROGRAM COMMITTEE (CIPC)**

Minutes for November 18, 2009

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**Present:** CIP Members: Chairman David Weaver, Dawn Hayes, Dennis Steinhauer, Mary Ellen Fitzgerald, Cynde Hertzog, Becky Warren, Robert Lee, Conrad Anker, Larry Beck and Commission Liaison Joe Skinner. Staff: County Administrator Earl Mathers, Road and Bridge Superintendent Lee Provance and Commission Assistant Glenda Howze.

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The meeting was called to order at 7:30 AM in Courthouse conference room 208E.

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**Public Comment:** There was no public comment. Chairman Weaver introduced newly appointed member Robert Lee.

**Approval of Minutes of October 28, 2009:** Ms. Fitzgerald made a motion to approve the minutes as presented. Ms. Hayes seconded the motion. All voted aye. Motion carried unanimously. Ms. Hayes reminded the group that the minutes of October 14<sup>th</sup> were not approved at the October 28<sup>th</sup> meeting due to a lack of quorum. They will be put on the next meeting agenda for approval.

The Committee asked for a follow-up with Lee regarding the things he agreed to complete and provide to the CIPC at the October 28<sup>th</sup> meeting.

**Review of L&J Master Plan RFP & Discussion on Role of CIPC in this process:** Mr. Watson explained that any time the County issues contracts greater than \$20,000 scope they are required to solicit for a statement of qualifications (SOQ). This is a qualifications based selection process. He distributed the draft document for review. The draft timeline includes the Request for Proposals for the SOQ be distributed on December 1 with them due back the first week of January. The draft scope has the project starting where we left off with the work by Dowling Sandholm – the mock up work on a basic master plan that demonstrated that all of the facilities could fit on the location. This was bubble diagrams only. We need to refresh numbers completed in studies in the past (Carter Goble Lee space study, for example) and add in the location of the new Detention Center and the traffic flow changes because of it. There are two ultimate goals – to expand the Court space and to address the co-location of law enforcement. The County Commissioners budgeted \$100,000 for this project in FY 2010. The first two months of the contract will be spent further defining the scope of work. Mr. Watson stated that he needs a sub-committee that can stick with him through the whole process for this project, which could be a multi-year process. Historically it has been a two-year effort of a committee on this type of project. He also noted that he needs a validation of the level participation by the CIPC as is desired by the County Commissioners as well as an agreement on the involvement of the City of Bozeman in this process. The joint bonding capacity with the City could affect the type of building that we are able to put on this site. We also need to determine if we can approach the Courts and law enforcement at the same time or if that is too much money for the public and how to phase in the two if they are doing separately.

Mr. Mathers stated that he spoke with Chuck Winn on this matter yesterday and made him aware of the time frame that is being considered at this time. It is his sense that given the economy, bonding limitations, etc. that the City is much more willing to move at the County's pace now. Mr. Mathers also stated that he believes that we need to proceed smartly, not rushing into anything. He agrees that there should be some City representation in the process but it is a County process and our land as well. We want the City at the site for many reasons but the County is "running the camp." Mr. Mathers also offered his participation in the process and noted that it is a very complex endeavor; however, there is clear evidence that all of the entities will fit if it is done right.

Chairman Weaver inquired about the joint bonding? Mr. Watson explained that both the City and the County could bond for their portions of the project. The problem with this is if both put out for a vote at the same time and one area approves and the other doesn't then there are a whole new set of issues to resolve before proceeding.

Commissioner Skinner stated that the Commissioners are supportive of the CIP being the driving entity if the committee wants to be. There is a risk of the political nature, as some of the members have experienced in the past but the Commissioners really want input from an objective group so that the project won't be as political.

Chairman Weaver asked if it was correct to look at this in two stages, first the master plan and then construction? Mr. Watson explained that it is actually a four step process. The Master Plan for site drainage, accessibility, comparison to the previous Carter Goble Lee space study, and addressing the needs of a combined City Court, fourth District Court, and general needs assessment. The second step is how to fit it all on the property, what it will look like, where, the general footprint and the defining of the next phase. Thirdly will be a determination of what level of design development is desired and finally construction as is determined in the previous steps. Commissioner Skinner stated that staging is a big part of this project: how to stage the construction of the various spaces while keeping those functions functioning. Mr. Watson stated that this also includes all the way through the demolition of the current L&J. Chairman Weaver asked for clarification on the involvement of the CIP and asked how the project could move forward without the City's involvement. Mr. Watson stated that there also needs to be some relationship built in with the CJCC and the Judges, law enforcement and the other elected officials that reside on the campus. Chairman Weaver stated that he does not think that the CJCC is looking for active involvement in this process. Mr. Watson stated that it will most likely remain a standing agenda item on the CJCC agenda.

Ms. Fitzgerald suggested that the whole CIPC should be the committee for this project since some of the members may go off next summer and it would provide the needed continuity. Ms. Warren asked how the City was originally involved. Mr. Watson provided an explanation and suggested that a new committee group would be fine if they were also given the history of the project. Commissioner Skinner stated that it has been a shaky relationship with the City but this could be an opportunity to restore that relationship. Chairman Weaver noted that the 911/Fire Station building was a success story and the beginning of that restoration. He also noted that we need to get the City involved somehow but wasn't sure if they should have a vote on the recommendation to the Commissioners. Mr. Steinhauer asked how the 911/Fire building was funded. Mr. Watson explained that it was jointly funded and that both entities entered into a Condo Association for ongoing costs. Mr. Mathers stated that there is a variety of ways to partner in this type of project – the City could lease from the County, buy part of the property, a building could be co-owned similar to the 911/Fire facility, etc. Mr. Steinhauer stated that if the City is splitting the bill then it would make more sense for them to have

more say. If they are leasing then they would have less input. Further discussion took place regarding the involvement of the judges, elected officials and department heads in the process.

Ms. Howze stated that perhaps Mr. Watson could suggest the size and makeup of the committee that would be most efficient for this type of process. Mr. Watson stated that the committee needs to be in place ASAP. Mr. Mathers stated that communication with the direct stakeholders will be key. They don't need to have direct involvement but need to be sure that they aren't left out of the loop and are provided opportunity for input where appropriate. He also stated that too large of a planning committee is not a good idea. Chairman Weaver asked the members that were involved in the jail location committee how they felt about the process, the function of the group and the end product. Ms. Fitzgerald stated that she feels that the process was all over the group's head. Mr. Watson reminded the members that there was a smaller jail subcommittee that made the recommendation to the CIP Committee who then made the recommendation to the Commission. Mr. Anker stated that he thought the process worked well and that it isn't necessary for a small subcommittee for this process. Chairman Weaver stated that this committee needs to do the work and invite the City to be involved and of course have Mr. Watson guiding the process. He stated that his concern is that this is a County project and that there may be too many other influences. He also stated that we need to bring in a City liaison to provide input but may not be a voting member. Mr. Watson noted that the group that works on the Master Plan process may need to meet more than twice a month in the future but not initially.

Mr. Anker stated that we don't have a lot on our plate at this time except the annual review which the process for that has been ironed out and is fully in place. Chairman Weaver stated that this project is in line with the bylaws and the mission statement and asked for confirmation from the committee that the CIPC as a whole will be the committee with a city liaison involved. Mr. Watson suggested that he and Mr. Mathers could come back to the CIPC with a recommendation on the City's involvement. Mr. Mathers asked that the committee bear in mind that they have the advantage of the on-hands involvement of Commissioner Murdock, himself and Mr. Watson. He also stated that it is the opinion of the Commissioners that they don't want the City involved financially at this point but that may change down the road. Commissioner Skinner stated that originally the Commission thought that they did want the financial involvement of the City but now they don't see that as a necessity at this time. He expressed that we do need to have the Sheriff involved up front, not as a voting member but for his input. He needs to feel some ownership in this process. Mr. Watson stated that we benefit from having more control in this process. Chairman Weaver stated that this situation is different than the jail location project in that there isn't a lot of room for disagreement and the group is probably not setting itself up for a similar outcome. Mr. Watson requested a sub-group of no more than five people. He stated that by mid-January the group will need to review proposals, sit in on interviews, etc. For consistency sake it doesn't work if there are different people involved at different points in the process. Chairman Weaver agreed that the committee would provide three names to Larry at the point that he needs a more narrow group though the whole committee will be involved in the larger picture. Mr. Anker stated that we are committed to the site and to efficiency of scale – we owe that to the taxpayers, and noted that he is all for this process.

Mr. Steinhauer stated that it is a good option to place the onus of considering the needs of all entities on the consultant (in the SOQ), not on the committee. Mr. Watson agreed that this will be the case. He also asked for validation on the scope of work before putting out for response. Ms. Fitzgerald made a motion that the entire CIP Committee function as the Master Planning Committee for the Law and Justice campus. Mr. Beck seconded the motion. Discussion took place regarding the motion.

Ms. Fitzgerald withdrew the motion. Ms. Fitzgerald made a motion stating that the CIP Committee will review and advise on the proposed Master Plan and make recommendation to the County Commission. Mr. Beck seconded the motion. All voted aye. Motion carried unanimously. Mr. Watson reiterated that he needs a group that will participate start to finish. The following is a general list of the process:

Mid January – proposals received from firms

Develop criteria to evaluate proposals

Select top 3-5 firms (receive score)

Conduct interviews with top firms (1.5 hours each)

Score interviews

Combine scores of SOQ and Interviews

Call references (conference call so that everyone can hear the same information)

Score

Combine all 3 scores, pick top ranked firm.

- 1) Recommend to the County Commission contract negotiations with selected firm.
- 2) Negotiate contract/scope of work.
- 3) Contract recommendation to County Commission
- 4) other

Ms. Warren inquired about other projects that the CIPC has dealt with and the level of involvement on those projects. Stated that asking the committee to be involved cradle to grave seems extensive. Chairman Weaver stated that in the past the committee has become involved at the point a contract has already been negotiated and then was part of the process after that. Ms. Hayes stated that the CIPC doesn't need to be involved with the designing of the buildings.

Discussion took place regarding Mr. Watson's role in the process. He explained that he manages the contract/oversees the budget, watches the milestones, acts as a liaison between all parties, and in general participates in the process. Commissioner Skinner expressed concern that the expectation of the subcommittee is asking too much for volunteers. Mr. Lee comments that he has been through this process on the other end of things (as consultant). He noticed that it is important that you see in the selection the ability for the consultant to have all involved without a huge time commitment. Mr. Lee stated that the first involvement is next week with input on the RFQ itself. He also noted that he has global concerns on the scope of work. Mr. Lee explained that in other state's process for land planning, those that are now hitting a brick wall are seeing not an increase but a decrease in available funds. There is a natural break – not the standard mill levy/bonding structure but design-build concepts. Many can't afford to take projects to shovel ready but the design-build projects are getting approval. He also stated that he doesn't see heavy involvement in the construction end of this project in the next few years so perhaps the scope should be scaled back to just the master plan portion for when funding comes available the project can move forward or be increased to a design-build project. Mr. Watson explained that the reason the language is as it is, is to allow the County to stay with the same firm beyond the original work without having to go back out to bid again. Mr. Lee stated that he is not sure this will work globally. The participation originally is selection and then we can wait for the consultant to come back with the idea of design-build. This allows for a natural economic break in the process. Mr. Watson stated that the Construction Manager At Risk process has worked well and the County Commissioners are comfortable with it. Mr. Lee stated that Federal money can be captured with the design-build concept. Commissioner Skinner stated that he doesn't see the

County getting any additional Federal money. Mr. Lee stated that more stimulus money may be coming down the pipe and we need to have more shovel-ready projects in place. Mr. Watson explained that currently there would be some potential for grant funding for some portions of this project – possibly IT areas, for example.

Chairman Weaver suggested that we assign a small group for the initial process, get through the selection process and then go to the group as a whole for the remainder of the project. Mr. Watson stated that the scope needs to be defined – he will then report to the CIPC on a regular basis and needs to have the authority to proceed as needed with reports to the whole group. Chairman Weaver stated that at the point that the process in place doesn't work then Mr. Watson is welcome to come back to the CIPC to reconsider the subcommittee option. Ms. Fitzgerald stated that she was involved in the Road and Bridge process and it was very interesting. She noted that few firms applied for that project and wondered how many might apply for this one. Mr. Watson stated that there will be many that apply. He noted that the selection will probably require a national consultant with local team participation similar to the Detention Center. There have been lots of inquiries about this project and others recently.

Mr. Lee asked about the level of involvement of the committee before November 29<sup>th</sup>. Mr. Watson stated that he needs lots of input on the scope of work, noting that this is CIP's project and the scope needs to work for the committee. Commissioner Skinner stated that the County Commissioners have a lot of trust in Larry but want public input into this as well. Mr. Watson stated that the start date can be put out past November 29<sup>th</sup> to give the committee more time and ensure that it is done right. Chairman Weaver asked for volunteers for the group of three for the smaller committee. David Weaver, Mary Ellen Fitzgerald, Dawn Hayes and Robert Lee volunteered to serve. Mr. Steinhauer stated that he would like to see a higher weighting for local firms. Mr. Watson stated that statute sets the weight for local firms at 5% maximum.

Mr. Watson asked the CIPC to read through the draft document and email comments to him by November 25<sup>th</sup>. The money aspect will be the last thing discussed. Discussion took place regarding the scope of work. Mr. Lee reiterated that he thinks the scope is too big. Mr. Watson noted that the County is seeking performance on the big projects, not just studies that sit on the shelf. Mr. Lee stated that this kind of scope is frustrating from the other side of the table. Mr. Watson stated that the process has worked very well and fragmentation in the past has been very difficult. Mr. Lee stated that it appears that the County is comfortable with the process and it has worked; however, it might be a good idea to include discussions on alternate funding solutions. Mr. Watson agreed that this is a good idea.

Commissioner Skinner reminded the group to be sure and bring the Sheriff into the discussions soon. Chairman Weaver stated that he will announce the plan at the next CJCC meeting.

Mr. Anker distributed an article from the November 14<sup>th</sup> edition of *The Economist*.

The meeting was adjourned at 9:03 AM.